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Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Report of the First Committee

Rapporteur: Mr. Dainius **Baublys** (Lithuania)

I. Introduction

1. The item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" was included in the provisional agenda of the sixty-second session of the General Assembly in accordance with Assembly resolution 61/100 of 6 December 2006.

2. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 1st meeting, on 4 October 2007, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 88 to 105, which was held at the 2nd to 8th meetings, from 8 to 11 and on 15 and 16 October (see A/C.1/62/PV.2-8). The Committee also held 12 meetings (9th to 20th), for an exchange of views with the High Representative for Disarmament Affairs and other high-level officials, as well as panel discussions with independent experts and follow-up to resolutions and decisions adopted at previous sessions (see A/C.1/62/PV. 9-20). Thematic discussions on the items were held, and draft resolutions were introduced and considered, also at the 9th to 20th meetings, from 17 to 19, from 22 to 26 and on 29 October (see A/C.1/62/PV.9-20). Action on all draft resolutions was taken at the 21st to 25th meetings, from 30 October to 2 November (see A/C.1/62/PV.21-25).

4. No documents were submitted for consideration under this item.

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II. Consideration of draft resolution A/C.1/62/L.32

5. At the 21st meeting, on 30 October, the representative of Sweden, on behalf of Austria, Belgium, Bulgaria, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Peru, Poland, Portugal, Romania, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Uruguay, introduced a draft resolution entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" (A/C.1/62/L.32). Subsequently, Albania, Argentina, Bosnia and Herzegovina, Cameroon, Canada, Honduras, Israel, Kazakhstan, Liechtenstein, Moldova, Monaco, Mongolia, Nicaragua, Norway, Panama and Turkmenistan joined in sponsoring the draft resolution.

6. At the 23rd meeting, on 31 October, the Secretary of the Committee made a statement on behalf of the Secretary-General concerning the financial implications of draft resolution A/C.1/62/L.32.

7. At the same meeting, the Committee adopted draft resolution A/C.1/62/L.32 without a vote (see para. 8).

III. Recommendation of the First Committee

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 61/100 of 6 December 2006,

Recalling with satisfaction the adoption and the entry into force of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,[1] and its amended article 1,[2] and the Protocol on Non-Detectable Fragments (Protocol I),[1] the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)[1] and its amended version,[3] the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III),[1] the Protocol on Blinding Laser Weapons (Protocol IV),[4] and the Protocol on Explosive Remnants of War (Protocol V),[5]

Welcoming the results of the Third Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and commending the efforts of the President of the Conference,

Welcoming also the decision of the Third Review Conference to commission follow-up work under the oversight of the Chairman-designate of a meeting of States Parties to the Convention to be held from 7 to 13 November 2007 in Geneva,[6] and the decision to convene, as a matter of urgency, an intersessional meeting of governmental experts to consider further the application and implementation of existing humanitarian law to specific munitions that may cause explosive remnants of war, with particular focus on cluster munitions, including the factors affecting their reliability and their technical and design characteristics, with a view to minimizing the humanitarian impact of the use of these munitions,[7]

Welcoming further the holding, on 18 June 2007, of the meeting of the Preparatory Committee for the First Conference of the States Parties to Protocol V to be held on 5 November 2007 in Geneva for the purpose of consultations and cooperation on all issues related to the operation of the Protocol,

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[1] United Nations, *Treaty Series*, vol. 1342, No. 22495.

[2] See CCW/CONF.II/2 and Corr.1, part II.

[3] CCW/CONF.I/16 (Part I), annex B.

[4] Ibid., annex A.

[5] See CCW/MSP/2003/3, annex V, appendix II.

[6] See CCW/CONF.III/11 (Part II).

[7] Ibid.

Recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto, and welcoming the particular efforts of various international, non-governmental and other organizations in raising awareness of the humanitarian consequences of explosive remnants of war,

1. *Calls upon* all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[1] and the Protocols thereto, as amended, with a view to achieving the widest possible adherence to these instruments at an early date, and so as to ultimately achieve their universality;

2. *Calls upon* all States parties to the Convention that have not yet done so to express their consent to be bound by the Protocols to the Convention and the amendment extending the scope of the Convention and the Protocols thereto to include armed conflicts of a non-international character;

3. *Welcomes* the adoption by the Third Review Conference of a Plan of Action to promote universality of the Convention and its annexed Protocols,[8] and expresses appreciation for the efforts of the Secretary-General, as depositary of the Convention and its annexed Protocols, and the President of the Third Review Conference, on behalf of the High Contracting Parties, to achieve the goal of universality;

4. *Also welcomes* the decision of the Third Review Conference to establish a Compliance Mechanism in order to promote compliance and the full implementation of the obligations contained in the Convention and its annexed Protocols;[9]

5. *Further welcomes* the decision of the Third Review Conference to establish a Sponsorship Programme within the framework of the Convention, [10] and encourages States to contribute to the programme;

6. *Welcomes* the commitment by States parties to continue to address the humanitarian problems caused by certain specific types of munitions in all their aspects, including cluster munitions, with a view to minimizing the humanitarian impact of these munitions;

7. *Expresses support* for the work conducted by the Group of Governmental Experts and the decision of the Group, based on the substantive discussion on the application and implementation of existing humanitarian law at its intersessional meeting held in June 2007, without prejudice to the outcome, to recommend to the 2007 Meeting of the States Parties to the Convention to decide how best to address the humanitarian impact of cluster munitions as a matter of urgency, including the possibility of a new instrument;[11]

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[8] Ibid., annex III.

[9] Ibid., annex II.

[10] Ibid., annex IV.

[11] See CCW/GGE/2007/3, annex III.

8. *Notes* the decision of the Third Review Conference to dedicate up to two days at the next Meeting of the States Parties in 2007 to the issue of mines other than anti-personnel mines;[12]

9. *Emphasizes* the importance of universalization of the Protocol on Explosive Remnants of War (Protocol V), and welcomes the commitment of States parties to the Protocol to the effective and efficient implementation of the Protocol;

10. *Notes* that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by existing Protocols or to review the scope and application of the Convention and the Protocols thereto and to examine any proposed amendments or additional protocols;

11. *Requests* the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the Ninth Annual Conference of the High Contracting Parties to Amended Protocol II to the Convention to be held on 6 November 2007, for the First Conference of the States Parties to Protocol V to be held on 5 November 2007, and for the Meeting of the States Parties to the Convention to be held from 7 to 13 November 2007, as well as for any possible continuation of work after the Meetings, should the States parties deem it appropriate;

12. *Also requests* the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform the General Assembly periodically, by electronic means, of ratifications and acceptances of and accessions to the Convention, its amended article 1,[2] and the Protocols thereto;

13. *Decides* to include in the provisional agenda of its sixty-third session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".

[12] See CCW/CONF.III/11 (Part II).